

Remarks/Arguments

Reconsideration of this application in light of the following remarks is respectfully requested.

Rejections under 35 U.S.C. § 102

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2001/0034235 by Froula ("Froula"). In a previous office action, Applicant argued that this reference does not anticipate the subject matter of claim 1 under 35 U.S.C. § 102(e) because Froula fails to teach every element of the claim. Specifically, Applicant pointed out that Froula does not teach, "transmitting to the plurality of mobile terminals a message indicating a subset of the plurality of mobile terminals, the mobile terminals in the subset being prevented from accessing one or more service options or service option groups, or making calls of selected call types within the network," as claimed in claim 1.

In the most recent Office Action, the Examiner has indicated that Applicant's arguments are not persuasive as to this point and has provided additional citations to Froula. The Examiner has cited Froula at paragraph [0020] which, as the Examiner notes in the Office Action, reads in part, "[p]rior to an attempt to establish access to the communication system, a mobile station receives the access parameters message carrying the control information and uses the control information to determine if a mobile access is allowed based on access type." Applicant submits however that this actually supports Applicant's original position for at least two reasons.

Firstly, the cited language of Froula clearly teaches that a mobile station receives a set of parameters and uses the parameters, or data, to determine whether access is allowed. Thus, in Froula, the mobile stations are allowed to determine access capabilities based on raw data provided from elsewhere in the system. This clearly fails to teach the claim 1 limitation wherein the mobile stations are not given raw data, but rather a positive indication as to whether each mobile device will be allowed to access the system. As

additional support for this first position that Froula teaches something different than the instant claims, Applicant points out that paragraph [0020] of Froula states, "[a]ccording to a preferred embodiment of the invention, each mobile station 185, 190 uses the control information provided by the base station 145 to determine the condition of the base station 145, i.e., whether it is presently in an overloaded condition, prior to making an access attempt." Accordingly, Froula differs significantly from the instant claims for at least one reason.

Secondly Froula teaches that "[p]rior to an attempt to establish access to the communication system, a mobile station receives the access parameters," (emphasis added). Contrast this with claim 1 which recites "detecting a plurality of simultaneous access requests from a plurality of mobile terminals." In claim 1, this plurality of mobile terminals is then sent "a message indicating a subset of the plurality of mobile terminals." Thus in claim 1, the mobile stations first attempt access and are then are informed of the current capabilities of the system. However, Froula positively states in paragraph [0020] that the mobile stations receive access parameters before otherwise accessing the rest of the system. Accordingly, Froula differs significantly from the instant claims for at least a second reason.

For at least the reasons outlined above, it is clear that Froula teaches something wholly different than that which is claimed in claim 1. The Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, and 2-5 and 31-32, which depend from and further limit claim 1.

The remaining independent claims, 18 and 24, share similar limitations as claim 1 discussed above and should therefore also be allowable. Claims 19, 21, and 23-36 depend from and further limit the independent claims and should therefore also be allowable.

Conclusion

It is clear from the foregoing that all pending claims are in condition for allowance.
Notice of allowance is therefore requested.

Respectfully submitted,

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